

REMARKS/ARGUMENTS

Claims 1-10, 12-22 and 24-36 remain pending in the application, as claims 11 and 23 have been canceled without prejudice. In the Office Action, the drawings were objected to because FIG. 1 included reference characters that were not included in the specification. In response, Applicants have amended the specification to incorporate the reference characters. In addition, FIG. 2 was objected to because reference characters "214" and "218" were used to designate two components. Applicants have submitted a replacement sheet for FIG. 2 in which reference character 214 (instead of reference character 218) now points to the fun lights of the cellular phone 200, and any other occurrences of reference character 214 have been deleted. The specification was objected to because of an extraneous comma between the words "power" and "mode." Applicants have corrected the error and have provided a replacement paragraph.

Claims 6, 10, 11, 20, 22 and 23 were rejected under 35 U.S.C. 122, first paragraph, as failing to comply with the written description requirement. In response, Applicants have amended claims 6 and 20 to clarify that the command is part of an alert message that also includes a uniform resource locator. Support for this amendment can be found on page 17, lines 4-6 and on page 20, lines 4-6. No new matter has been added in view of this amendment. Concerning claims 10 and 22, Applicants note that support for these claims can be found on page 9, lines 9-12 and on page 30, lines 14-16. Also, claims 11 and 23 have been canceled without prejudice.

Claims 1-3, 13, 15-17, 26, 29, 33 and 36 were rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent Application Publication No. 2002/0169008 to Hiben, et al. (Hiben). Further, claims 4, 5, 18 and 19 were rejected under 35 U.S.C. 103(a) as

being unpatentable over Hiben in view of U.S. Patent No. 6,427,072 to Reichelt (Reichelt). Claims 6 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben in view of U.S. Patent Application Publication No. 2004/0121767 to Simpson, et al. (Simpson). Claims 7, 12, 21, 25 and 30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben in view of U.S. Patent No. 6,385,469 to Alperovich, et al. (Alperovich), and claims 8, 24 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben in view of Reichelt. Claims 9-11, 22, 23 and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben in view of Reichelt and further in view of U.S. Patent Application Publication No. 2002/0086718 to Bigwood, et al. (Bigwood). Claims 14, 27, 28, 34 and 35 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben in view of well-known prior art under MPEP 2144.03.

A brief summary of the Hiben, Reichelt and Bigwood references may be helpful here. Hiben discloses a wireless multi-carrier communication system having designated control sub-channels that enable a receiving device to operate in a low power decoding mode. In particular, control or payload information may be transmitted to the receiving device, and the receiving device operates in the low-power decoding mode to decode this information on the control sub-channels. If the information cannot fit within the control sub-channels, the information is transmitted to the receiving device over a payload sub-channel. The receiving device operates in a higher power decoding mode to decode the payload sub-channel. The criteria for determining whether to decode the sub-channels in a low or high power decoding mode is based on whether information is transmitted over a control sub-channel or a payload sub-channel.

Reichelt discloses a mobile telephone with an emergency call capability protector. An emergency call reserve power detector monitors a battery power supply circuit to determine when the power remaining in the battery power supply circuit has decreased beneath a pre-selected minimum emergency call reserve power level. If the detector determines that the power has dropped below the emergency call reserve power level, a microprocessor will selectively inhibit the making of non-emergency calls and selectively terminates such calls. As such, the power level in the supply circuit is what determines when the non-emergency calls will be selectively inhibited.

Bigwood describes a method for monitoring the condition of batteries used by a mobile radio telecommunications fleet. Specifically, the condition of batteries used to power mobile radio units of the fleet is automatically performed. The mobile radio units transmit to a data store the condition of the batteries and identifiers identifying the associated batteries. Once at the data store, this information can be displayed, which can allow remedial action, such as repair or replacement of the batteries. This process facilitates battery management without any reliance on individual user intervention (see paragraph 0047).

Independent claims 1, 15, 29 and 36 have been amended to clarify that the receipt of the command to enter a low power mode is in response to an emergency mode situation. Support for this amendment can be found on page 6, lines 10-13. No new matter has been added in view of this amendment. Neither Hiben nor Reichelt nor any of the other prior art references describe the receipt of a command to enter a low power mode in response to an emergency mode situation. In Hiben, the decision to switch between low and high power decoding modes is based on whether information is

received over the control or payload sub-channels. In Reichelt, the selective blocking or termination of non-emergency calls is based on the amount of power remaining in the battery supply circuit.

In addition, dependent claims 10 and 22 recite the limitation that an indication of an estimated time of arrival of a replacement battery is provided. Bigwood does describe the concept of automatically monitoring batteries to determine if such batteries should be replaced. Bigwood, however, does not describe the feature of providing an indication of an estimated time of arrival of a replacement battery. Such a concept may be an important feature with the present invention, because emergency workers may wish to know when they will be provided with replacement workers, a scenario that is not at all envisioned by Bigwood. Hiben and Reichelt also do not describe, mention or suggest this element, either. Moreover, dependent claims 14, 27 and 34 have been amended to clarify that an event that causes the emergency mode situation at least partially occurs in the location description. None of the prior art references describe such a feature, and it is not a well-known concept.

In view of the above, Applicants believe that independent claims 1, 15, 29 and 36 are patentable over the prior art. Applicants also believe that those claims that depend from independent claims 1, 15, 29 and 36 are patentable, both based on their dependencies on the independent claims and their patentability on their own. Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

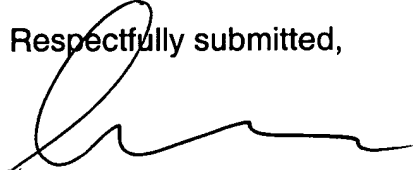
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Respectfully submitted,

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